IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WA.No. 2009 of 2007

AGAINST THE JUDGEMENT IN WPC.20284/2007 Dated 05/07/2007

APPELLANT: PETITIONER:

THE HOSPITAL DEVELOPMENT SOCIETY,
MEDICAL COLLEGE HOSPITAL,
KOZHIKODE 673 008, REPRESENTED BY ITS
SECRETARY THE SUPERINTENDENT.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS: RESPONDENTS:
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1. THE LABOUR COURT, CALICUT.

2. DEPUTY TAHSILDAR (RR), KOZHIKODE.

3. A.APPUTTY, S/O.PERACHUTTY, KOODALI,
P.O.G.A. COLLEGE, KOZHIKODE 673 014.

SENIOR GOVERNMENT PLEADER SMT. MEERA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 2009 OF 2007

Dated this the 14th August, 2007

JUDGMENT

H.L.DATTU, C.J.

Exts.P3 and P6 are the orders passed by the Labour Court, Kozhikode on 15.7.2004 and 19.10.2005. Questioning these two orders, appellant/petitioner has approached this Court by filing W.P.(C) No.20284 of 2007 only on 30.6.2007. There is a delay in filing the Writ Petition. No explanation whatsoever is offered by the petitioner for approaching this Court belatedly. The learned single Judge declined to entertain the Writ Petition. Aggrieved by the order passed by the learned single Judge, appellant is before us in this appeal.

2. We have heard Sri.Ramesh Chander, learned counsel appearing for the appellant. We have also perused the order passed by the learned single Judge. The admitted facts are: Ext.P3 award is an exparte award passed by the Labour Court. However, Ext.P6 order is an order passed by the Labour Court under Section 33 C(2) of the Industrial Disputes Act, after hearing the petitioner society as well as the workman. That only means the society was fully aware of the award passed by the Labour Court under Section 33 C(2) of the Industrial Disputes Act. If for any reason, the society was aggrieved by the order so passed by the Labour Court, the society should have approached this Court within a reasonable time. Even if there is some delay, that delay requires to be explained. In the present case,

the petitioner has not chosen to explain the reasons for approaching this Court belatedly. Keeping all these aspects of the matter in view, the learned single Judge, in our opinion, has rightly rejected the Writ Petition. Therefore, interference of the said order is not called for. Accordingly, the Writ Appeal requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/